



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SCOTT CHARNEY, ET AL., :

Plaintiffs, :

-against- :

CARLA ZIMBALIST, ET AL., :

Defendants. :

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Case No. 07 CV 6272
(AKH)

ECF Case

**ORDER STAYING THIS CASE AS TO JENNIFER WILKOV
AND EVOLUTIONARY STRATEGIC PLANNING, INC.**

Upon the motion of defendant Jennifer S. Wilkov ("Wilkov") and Evolutionary Strategic Planning, Inc. ("ESP"), for an order staying this proceeding pending conclusion of a state criminal proceeding filed in the Supreme Court of the State of New York, New York County, captioned *People v. Carla Zimbalist, et al.*, Indictment No. 2765/2007 (the "criminal proceeding"), it is

ORDERED that this proceeding is stayed in all respects as to Wilkov and ESP until April 3, 2008, or until final resolution of the criminal proceeding, if earlier. This Order is entered without prejudice to the right of Wilkov and ESP to move by written motion on notice to extend the stay should the criminal proceeding not be resolved before April 3, 2008; and

ORDERED that Wilkov shall deliver a financial statement identifying her assets and their location upon execution by plaintiffs' counsel of an agreed confidentiality stipulation and order; and

ORDERED that Wilkov and ESP shall not move (or permit anyone else to move on their behalf) to vacate the restraining order entered on June 26, 2007 in *Morgenthau v. Wilkov*, Index No. 405072/2007 (Supreme Court, New York County), without giving 10 days notice in advance to plaintiffs' counsel. It is further Ordered that ~~the terms of the restraining order entered on June 26, 2007 in *Morgenthau v. Wilkov*, Index No. 405072/2007 (Supreme Court, New York County), are incorporated into this Order,~~

Plaint
~~and that in the event such Restraining Order shall, for any reason, terminate prior to the termination of the stay herein, then in that event, then all persons or entities including~~

~~larger to permit motion for relief to be addressed by this court.~~
~~defendants herein, including all subsidiaries and/or related businesses of each entity having property of said defendant in their possession are restrained from removing, transferring, assigning, disposing of, encumbering and/or secreting any legal, equitable, custodial or beneficial interest of said defendants [sic] including, but not limited to, any legal, equitable, custodial or beneficial interest defendants have in any real or personal property wherever located or of \$1,066,334 [the full amount of Plaintiffs' claims out-of-pocket damages] and whether jointly or individually held or in any debts owed to said defendant until such time as an application is made in this Court for relief from same.~~

Dated: New York, New York
December 13, 2007


HON. ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE